IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 8207 of 2007(B)

PETITIONER:

P.DINOOP, PROPRIETOR, DINOOP TRADERS,
EAST PALLOOR, MAHE.

BY ADV. SRI.V.RAJAGOPAL

RESPONDENTS:
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1. **THE DEPUTY COMMISSIONER,**
   COMMERCIAL TAXES, PALAKKAD.

2. **THE DEPUTY COMMISSIONER,**
   COMMERCIAL TAXES, KOZHIKODE.

3. **THE SALES TAX INSPECTOR, SALES TAX CHECK POST,**
   GOPALAPURAM, PALAKKAD DISTRICT.

4. **THE SALES TAX INSPECTOR, SALES TAX CHECK POST,**
   PALAKKAD DISTRICT.

5. **THE SALES TAX INSPECTOR, SALES TAX CHECK POST,**
   NADAPUNNI, PALAKKAD DISTRICT.

6. **THE SALES TAX INSPECTOR, SALES TAX CHECK POST,**
   FEROKE, KOZHIKODE DISTRICT.

7. **THE SALES TAX INSPECTOR, SALES TAX CHECK POST,**
   AZHIYRCHUNGOM AT KUNHIPPALLY, KOZHIKODE DISTRICT.

8. **MUTHANGA CHECK POST, WAYANAD.**

9. **THE STATE OF KERALA, REPRESENTED BY THE**
   SECRETARY TO GOVT., TAXES DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.8207 of 2007-B

Dated this the 16th day of March, 2007

JUDGMENT

The petitioner has approached this court seeking the following relief:

> *"To issue a writ in the nature of mandamus or any other appropriate writ, order or direction directing the Respondents to allow the Petitioner to transport live chicken from various places in Tamil Nadu to Mahe through the State of Kerala in accordance with the provision contained in Section 30 B of the KGST Act read with Rule 35 B of the KGST Rules."*

2. The learned Government Pleader, upon instruction, submitted that so far the petitioner has not approached the respondents for transporting live chicken from Tamil Nadu to Mahe. If he moves for the same, the said prayer will be dealt with appropriately, in accordance with law. While transporting the live chicken if the petitioner is confronted with any ultra vires action from the part of the respondents, he will be free to approach this Court.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS